

Final Rule

LSA Document #09-359(F)

DIGEST

Amends [511 IAC 4-4-5](#) concerning employment and licensure of educational service center personnel. Effective 30 days after filing with the Publisher.

[511 IAC 4-4-5](#)

SECTION 1. [511 IAC 4-4-5](#) IS AMENDED TO READ AS FOLLOWS:

[511 IAC 4-4-5](#) Governance; executive board; advisory councilAuthority: [IC 20-19-2-8](#)Affected: [IC 20-20-1](#)

Sec. 5. ~~Governance.~~ (a) The management and control of an ESC shall be vested in a governing board, executive board, and advisory council. There shall be a governing board, which shall be an assembly composed of the superintendent or designee from each participating school corporation. Members of the governing board shall serve without compensation. The governing board shall meet at least twice a year to **do the following**:

- (1) Select from its membership those persons who shall constitute the executive board.
- (2) Review the terms of the educational service center agreement.
- (3) Review the evaluation procedures and results to assure that the objectives and needs of the center are being met in an effective and economical manner.
- (4) Consider and approve the center's budget and programs.
- (5) Approve any changes in the operational procedures for the following year.

(b) There shall be an executive board composed of an uneven number of members. The number of members shall be not less than five **(5)** nor more than eleven **(11)**. At the initial selection of an executive board, the following procedure shall determine the length of term for each member:

- (1) If a five **(5)** member executive board is desired:
 - (A)** the first three **(3)** members selected shall serve for a two **(2)** year term; **and**
 - (B)** the next two **(2)** members chosen shall serve a three **(3)** year term.
- (2) If a seven **(7)** member executive board is desired:
 - (A)** the first four **(4)** members selected shall serve a two **(2)** year term; **and**
 - (B)** the next three **(3)** members chosen shall serve a three **(3)** year term.
- (3) If a nine **(9)** member executive board is desired:
 - (A)** the first five **(5)** members selected shall serve for a two **(2)** year term; **and**
 - (B)** the next four **(4)** members chosen shall serve a three **(3)** year term.
- (4) If an eleven **(11)** member executive board is desired:
 - (A)** the first six **(6)** members selected shall serve for a two **(2)** year term; **and**
 - (B)** the next five **(5)** members chosen shall serve a three **(3)** year term.

After the terms of the initial selection expire, all executive board members shall be selected to serve a term of two **(2)** years beginning July 1 next following their selection. Vacancies shall be filled by appointment by the remaining members of the board. The officers of the executive board shall include a ~~chairman~~, **chairperson**, vice ~~chairman~~, **chairperson**, and secretary.

(c) The executive board shall **do the following**:

- (1) Arrange for the appointment and maintenance of an advisory council and meet with that group at least quarterly.
- (2) Determine the policies and procedures for the general operation of the center in accordance with the plan approved for the center under section 3 **of this rule**.
- (3) Establish and maintain such services and programs ~~which~~ **that** it deems proper and in accordance with the plan approved for the center under section 3 **of this rule**.
- (4) Review and evaluate periodically the process and development of the existing services and programs.
- (5) Submit evaluation reports to the governing board **and** the advisory council and, by October 1 of the year

following the school year the programs and services were provided, an annual evaluation report to the **Indiana** state board of education.

(6) Authorize the purchase of supplies and equipment as it deems necessary to carry out the functions of the center.

(7) Establish criteria to bill each participating school corporation for services rendered by the center.

~~(8) employ an Executive Director who shall operate the center in accordance with the provisions of this Rule and who shall be certified by the Division of Teacher Licensing and Certification;~~

~~(9) (8) Employ such other personnel as it deems necessary to carry out the functions of the center. such personnel to be certified as required by the Division of Teacher Licensing and Certification;~~

~~(10) (9) Consider the budget and the services and program recommendations of the executive director and submit its findings annually to the governing board by May 15.~~

~~(11) do and (10) Perform all other things which that it deems proper for the successful operation of the center.~~

~~(C)~~ (d) There shall be an advisory council to the executive board of each ESC. Provisions shall be made for representation of an equal number of:

(1) teachers;

(2) principals;

(3) members of the governing body of a school corporation;

(4) parents; and

(5) students.

The advisory council may organize and meet at least quarterly with the executive board to provide ~~input~~ **input** on matters relating to planning, operation, and evaluation of the center.

(Indiana State Board of Education; Rule SC-1, Sec 5; filed Jul 24, 1978, 9:20 a.m.: 1 IR 572; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; readopted filed Nov 20, 2007, 11:36 a.m.: [20071219-IR-511070386RFA](#); filed Dec 21, 2010, 10:11 a.m.: [20110119-IR-511090359FRA](#)) NOTE: Transferred from the Commission on General Education ([510 IAC 14-1-5](#)) to the Indiana State Board of Education ([511 IAC 4-4-5](#)) by P.L.20-1984, SECTION 206, effective July 1, 1984.

LSA Document #09-359(F)

Notice of Intent: [20090520-IR-511090359NIA](#)

Proposed Rule: [20100929-IR-511090359PRA](#)

Hearing Held: October 22, 2010

Approved by Attorney General: December 16, 2010

Approved by Governor: December 21, 2010

Filed with Publisher: December 21, 2010, 10:11 a.m.

Documents Incorporated by Reference: None Received by Publisher

Small Business Regulatory Coordinator: Jeffery P. Zaring, State Board Administrator, Indiana Department of Education, Room 229, State House, Indianapolis, IN 46204, (317) 232-6622, jzaring@doe.in.gov

Posted: 01/19/2011 by Legislative Services Agency

An [html](#) version of this document.